

ZB# 78-24

Dagny Lundstrom

63-8-9

#78-24 - Lundstrom, Dagny

78-24

Public Hearing -

Sept. 11, 1978 - 8:15 pm.

(front yard variance)

Sec. 48-14 C(4).

See paid 9/11/78

GENERAL RECEIPT

3798

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF

Sept 12 1978
Eric for Dagmy Lundstrom

\$

25.00

DOLLARS

FOR

Variance 78-24

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>25.00</i>	<i>CK</i>	

BY

Charlotte Marcantonio

L. D. - T.

Williamson Law Book Co., Rochester, N. Y. 14

SEP 06 1978

MRS. JOHN J. DAVIS
R. D. 4, BOX 260 HICKORY AVE.
NEWBURGH, N. Y. 12550

SEP 06 1978

Sept. 4-1978

To Whom It May Concern,

I am a homeowner on Hickory Avenue, Beaver Dam Lake, and a neighbor of Dagmy Lundstrom. I am in full accord of your granting the variance to allow the building of a garage.

I feel this will in no way detract from the Character of Hickory Avenue.

Yours truly,

John Davis

Legal Notice
 PUBLIC NOTICE
 OF HEARING BEFORE
 ZONING BOARD
 OF APPEALS
 TOWN OF NEW WINDSOR
 PLEASE TAKE NOTICE that the
 Zoning Board of Appeals of the
 TOWN OF NEW WINDSOR, New
 York, will hold a Public Hearing pur-
 suant to Section 48-33A of the Zoning
 Ordinance on the following
 proposition:
 Appeal No. 1
 Request of DAGNY LUNDSTROM
 for a VARIANCE of the
 regulations of the Zoning Ordinance
 to permit INSUFFICIENT FRONT
 YARD FOR CONSTRUCTION OF A
 GARAGE being a VARIANCE of
 Section 48-14 C (4) of New Windsor
 Zoning Local Law for property
 situated as follows:
 Hickory Avenue, Town of New
 Windsor, New York
 SAID HEARING will take place on
 the 10th day of September, 1978, at
 the New Windsor Town Hall, 555
 Union Avenue, New Windsor, N.Y.
 beginning at 8:15 o'clock p.m.
 MARK STORTECKY
 Chairman
 Patricia DeMa
 Secretary
 Sept. 2

**State of New York
 County of Orange, ss:**

Mary Hoffman , being duly sworn deposes and
 says that he isPrincipal Clerk..... of Newburgh-
 Beacon News Co., Inc., Publisher of The Evening News.
 a daily newspaper published and of general circulation in
 the Counties of Orange and Dutchess, and that the notice
 of which the annexed is a true copy was published
Once.....
 in said newspaper, commencing on the.....2nd.....day of
September.....A.D., 19 78 , and ending on
 the2nd..... day ofSeptember..... A.D., 19 78

Subscribed and sworn to before me this
5th..... day of.....Setember 19.....78

} *Mary Hoffman*
Anne Zucker

.....
 Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1980

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

DAGNY LUNDSTROM

DECISION GRANTING
AREA VARIANCE

Application #78-24.
-----x

WHEREAS, DAGNY LUNDSTROM of 271 Hickory Avenue, Town of New Windsor, New York, has made application for an area variance to permit the construction of a garage with insufficient frontage in an R-4 zone; and

WHEREAS, the applicant seeks an 8 ft. front yard variance; and

WHEREAS, a public hearing was held on the 11th day of September, 1978 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented by her son, Eric Lundstrom of Brooklyn, New York; and

WHEREAS, the application was opposed by one resident in the immediate area; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the variance if granted will result in no appreciable additional population or strain on existing governmental facilities.

3. The evidence shows that the variance sought will not alter the character of the neighborhood.

4. The evidence shows that denial of the variance will result in significant economic injury to the applicant due to the fact that a building permit was issued by the Building Inspector and the construction of the garage was commenced with due diligence, all of the materials having been purchased beforehand and heavy equipment was ready to go.

5. The plans and testimony presented to the Board show that addition of the proposed garage cannot be practically made without the granting of an area variance.

6. The character of the neighborhood is that of small one-family dwellings on small lots. Much of the neighborhood was constructed prior to the enactment of the Town Zoning Ordinance, including the house for which the instant variance is sought.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The applicant will encounter practical difficulty due to the fact that the construction of the garage was commenced with the issuance of a building permit from the Building Inspector and due to the size and shape of the parcel of land involved.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE BE IT

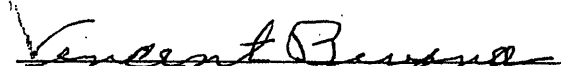
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a frontyard variance of 8 ft. to DAGNY LUNDSTROM for the construction of a garage.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of

the Town of New Windsor transmit a copy of this decision to the Town Clerk,
Town Planning Board and applicant.

Dated: New Windsor, N. Y.
October 23, 1978.


Chairman

Rec'd. 9/11/78

R. D. #4, Box 321
Shore Drive
New Windsor, New York 12550
September 11, 1978

Zoning Board of Appeals
Town of New Windsor
Town Hall
New Windsor, New York 12550

Dear Sirs:

We wish to state that we are in favor of granting a variance to Dagny Lundstrom for the construction of a garage on Hickory Avenue, Beaver Dam Lake, New Windsor. We feel that this proposed construction is essentially similar to other home-garage combinations in the neighborhood, and, therefore, will not alter the character of the community.

Yours truly,

Gary V. Pavlek
Gary V. Pavlek

Eugenia Pavlek
Eugenia Pavlek

Recd - 2/8/78
9/11/78 fd

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a Public Hearing
pursuant to Section 48-33A of the Zoning Ordinance on the
following proposition:

Appeal No. 24

Request of DAGNY LUNDSTROM

for a VARIANCE ~~XXXXXXXXXXXX~~ of

the regulations of the Zoning Ordinance, to permit

INSUFFICIENT FRONT YARD FOR CONSTRUCTION OF

A GARAGE

being a VARIANCE ~~XXXXXXXXXXXX~~ of

Section 48-14 C (4) of New Windsor Zoning Local Law

for property situated as follows:

271 Hickory Avenue, Town of New Windsor, New York

SAID HEARING will take place on the 11th day of September, 1978,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 8:15 o'clock P. M.

Rec'd - 1110

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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beginning at 8:15 o'clock P. M.

MARK STORTECKY
Chairman

To Whom it may concern
I have no objections to the garage on the property
of Mrs Dagny Lundstrom.
Lorise Russell

Rec'd 23A

9/11/18

Rose Zucaro
1532 Marine Pkwy
B'klyn N.Y. 11234

Dear Sir:

In answering to your registered letter concerning
about a garage.

I was up there to look around to see what
the story is all about. I saw for myself and
I think what's good for the goose is good for the
gander. This man should ^{build} his garage, first
of all there are a few just like he has in the
Area. Now if he was building an extension to the
letter & code or zone, in a L shape, the
one who is making the complaint will have the
same situation. So I say yes for him to
finish up the job he started.

Thank You

Mrs. Rose Zucaro

Beaver Dam Lake
R.D. # 4 Box 285 Oak Dr.
New Windsor, N.Y. 12550
Sept. 11, 1978

Zoning Board of Appeals
Town of New Windsor, NY
Mr. Mark Stortecky, Chairman

*Rec'd. 9/11/78 234
Pd.*

I received notice of Appeal No. 24 from Dagny Lundstrom for a variance to permit construction of a garage on her property at 271 Hickory Avenue. I wish to state that I have no objection to the said variance. My home is located behind the Lundstrom's property on Oak Drive. Most of the homes at Beaver Dam Lake are built close to the road so it really wouldn't be any different than the majority. It seems the only logical place to put the garage.

Yours truly

C. Martha Shilling
C. Martha Shilling

SEP 11 1978

September 3, 1978
Oak Drive
R.D. #4
New Windsor, N.Y.
12550

Zoning Board
Town of New Windsor
555 Union Avenue
New Windsor, N.Y. 12550

Dear Sir:

Having read the notice of the
Appeal No. 24 requested by Dagny
Lundstrom for a variance of the
regulations of the Zoning Ordinance
to permit insufficient front yard
for construction of a Garage on
her property at 271 Hickory Avenue,
New Windsor, N.Y., I would like

to state my approval for this construction. Since this is a need stated by Mrs. Lundstrom, I see no reason why the Zoning Board of Appeals should not grant the Variance requested.

I urge that this request be approved and the variance granted without delay.

Yours truly,
Dominick Savino

SEP 11 1978

September 1, 1978

Hickory Avenue
Beaver Dam Lake, RD #4
New Windsor, New York 12550

Zoning Board of Appeals
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, New York 12550

Subject; Request for a Variance to construct a Garage on the
Lundstrom Property, located on Hickory Avenue,
Beaver Dam Lake

Dear Sirs,

At the time of this writing, I am living diagonally across the
street from the above mentioned property.

I am infavor of the construction of this garage and would
encourage the Board of Appeals to grant this Variance.

Yours truly,


John Pignataro

SEP 07 1978

September 6, 1978

Zoning Board of Appeals
Town of New Windsor

Mr. Mark Storteky, Chairman

Dear Sir:

Please be notified that we have
no objection to the request of
Dagmy Lundstrom for a variance of
the zoning Ordinance to construct
a garage at 271 Hickory Avenue,
Town of New Windsor, N.Y.

Thanking you and the Board for
your favorable consideration in this
matter.

Yours very truly,

Mr. & Mrs. Ralph Rosini
Hickory Avenue
New Windsor, N.Y.

SEP 07 1978

Box 311 - R.D. 4 - Shore Drive
New Windsor, New York 12550
September 6, 1978

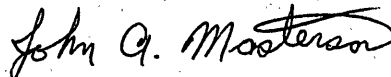
New Windsor Town Zoning Board of Appeals
555 Union Avenue
New Windsor, New York

Gentlemen,

This letter concerns the variance Mrs. Daphne Lundstrom is seeking to add a garage on to her house on Hickory Avenue at Beaver Dam Lake.

I am acquainted with Mrs. Lundstrom and her reasons for putting the garage on to her house at that particular location. As for as I am concerned, she should certainly be granted the variance to build the garage.

Very truly yours,



John A. Masterson

SEP 06 1978

45 Avenue "O"
Brooklyn, N.Y. 11204
Sept. 4, 1978

Zoning Board Of Appeals
Town of New Windsor
New Windsor Town Hall
555 Union Avenue
New Windsor, N.Y. 12550
Attn: Mark Stortecky- Chairman



RE: Appeal No. 24
Request of DAGNY LUNDSTROM
Variance to permit Insufficient
Front Yard for Construction of
a Garage. Sec. 48-14 C (4) of
New Windsor Zoning Local Law
for 271 Hickory Avenue. Town of New
Windsor, New York.

Dear Mr. Stortecky:

I raise no objection to the variance requested above
by Dagne Lundstrum for the construction of a garage.

Very truly yours,

Theresa N. Rinaldi
THERESA N. RINALDI

SEND TO 	<input type="checkbox"/> H. O. <input type="checkbox"/> DSO # _____ <input type="checkbox"/> REG. MGR. _____	ATTENTION Zoning Board of Appeals Town of New Windsor, N.Y.	DATE SEP 06 1978 9-5-78
FROM 	<input type="checkbox"/> H. O. <input type="checkbox"/> DSO # _____ <input type="checkbox"/> REG. MGR. _____	ORIGINATOR'S NAME Carole Schmitt	<input type="checkbox"/> OUR <input type="checkbox"/> YOUR LETTER DATED 06 1978
SUBJECT AND ACCOUNTS Dagny Lundstrom -appeal # 24			

MESSAGE:

Please have it be placed in the records that I have no objection to the construction of a garage by Dagny Lundstrom on her property at 271 Hickory Ave, Town of New Windsor, N.Y. I am a neighbor of Mrs. Lundstrom on the adjoining street.

Sincerely,

Carole Schmitt

REPLY:

DATE	SIGNED
------	--------

FORM 8400

Rec'd - ZBA

9/11/78 - Pd.

Sept 11, 1978

Good Evening

Members of the Zoning Board
of Appeals of New Windsor
May I refer you to Section
48-33 of the Zoning Law.

- 1- There is no exceptional
irregularity in this lot.
2. There is no extra ordinary
circumstances in this lot.
3. There is no hardship in
this lot because the lot
has a side yard in access
of 30' feet. The only

hardship is To shovel a few more feet of snow from the driveway and that is why this variance was filed. I now refer you to Section 48-14 Paragraph A 4 of the zoning law. First of all the measurements on this plan that was filed are incorrect, the measurements should read from garage to curb line as 15' feet or from the garage to ~~center~~ ^{middle} of the

road as 40' feet

For all practical purposes
the road is a 50 foot
wide right of way

Also an accessory building
shall not project nearer
to the street or on which
principal building fronts than
~~the~~ such principal building.
As the ~~board~~ Board is
the front porch an accessory
structure to principal
building, or is it the

principal building. If
you approve this variance
the character of the area
will change and you also
will be compounding a
condition that is already
contrary to the zoning law
~~although~~ although it is
an existing condition.

Thank you
Vincent Venturi
270 Hickory Ave
Beaver Dam Lake
New Windsor N.Y. 14550

Opposition

Lundstrom

Aug 28, 1978

Dear Sir, I am writing to you in objection or complaint of a garage being erected on adjoining property to mine. I believe that the garage is being erected contrary to the "Zoning Laws". The property in question is RD4 Box 270, Hickory Ave Beaver Dam Lake, New Windsor, N.Y. 12550. I would like to know if your Department granted permission to erect garage where it is being erected. I would like a response if permission was granted and why. Or if you did not approve as to location of said garage.

Thank You
Juvenio Ventura
RD4 Box 270
New Windsor N.Y.
12550.

SEP 11 1978

Rec'd.
ZBA - 9/11/78 Pd.

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beginning at 8:15 o'clock P. M.

Mr. Stortucky

MARK STORTECKY

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Mr. Stortucky

MARK STORTECKY
Chairman

*Being unable to attend the
meeting for a public hearing, yet being an interested
party, I take this opportunity to register a NO
vote by mail. Thank you
Ms. Lita Vaccaro*

INTER-OFFICE CORRESPONDENCE

TO: BUILDING INSPECTOR
PLANNING BOARD

FROM: ZONING BOARD OF APPEALS

SUBJECT: DECISIONS - ZBA HEARINGS - September 11, 1978

DATE: September 12, 1978

Please be advised that the following applications were approved at the September 11, 1978 meeting of the Zoning Board of Appeals:

Application for Special Use Permit of CARLOS SCHEER; and

Application for 8 ft. front yard variance of
DAGNY LUNDSTROM.

Pat

/pd



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

33 net. receipts
recd.

36 m list

Chairman
~~XXXXXXXXXX~~
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

August 28, 1978

Dagny E. Lundstrum
760 60th Street
Brooklyn, N.Y.

Dear Mrs. Lundstrum:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$20.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Paula King

PAULA KING
Sole Assessor
Town of New Windsor

PK
att.

36.40
1.40
14.40
36 50.40



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
~~Elwood E. Weyant~~
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Cappuccio, John P. & Theresa M.
50 Louisa Street
Brooklyn, N.Y. 11218

Westphal, Joann
Macaluso, Cecelia
Box 269 RD#4 Hickory Ave.
New Windsor, N.Y. 12550

Ventiera, Vincent D.
RD#4 Box 270
New Windsor, N.Y. 12550

Gaquie, Belle & Garcia, Caroline
C/O Caroline Garcia
6542 Kentucky View Drive
Cincinnati, Ohio 45230

Shilling, Frank L. & C. Martha
Box 285
New Windsor, N.Y. 12550

Savino, Dominick
1240 Albany Avenue
Brooklyn, N.Y. 11203

Zuaro, Rose
1532 Marine Parkway
Brooklyn, N.Y. 11234

Vaccaro, Peter & Helen
241 Ontario Avenue
Massapequa, N.Y. 11758

De Venuto, Robert R.
Beck, Marguerite
RD#4 Chestnut Avenue
New Windsor, N.Y. 12550

Scalice, Joseph S.
RD#4 Box 238 Chestnut Ave.
New Windsor, N.Y. 12550

Roberts, Victor & Anna
Box 262 RD#4 Hickory Ave.
New Windsor, N.Y. 12550

Mangiaracina, Joseph & Carmella
Wyckoff Post Office
P.O. Box 212
Brooklyn, N.Y. 11237

Roselli, Louise & Albert V.
RD#4 Alder Drive
New Windsor, N.Y. 12550

Carlino, Joseph & Antoinette
Box 265 RD#4 Hickory Ave.
New Windsor, N.Y. 12550

Scalice, Pauline
Box Kly Briney Breezes
Boyton Beach, Fla. 33435

Scalice, John M. & Lucy M.
Box 240 RD#4 Chestnut Ave.
New Windsor, N.Y. 12550

Lo Bianco, John & Rose
835 Pine Street
Brooklyn, N.Y. 11208

Carbone, Pasquale & Frances
RD#4 Box 231 Chestnut Ave.
New Windsor, N.Y. 12550

Kelly, James & Maureen
RD#4 Ash Ave.
New Windsor, N.Y. 12550

Zalusky, Raymond C.
Box 266 RD#4 Hickory Ave.
New Windsor, N.Y. 12550

Rutliff, Clinton & Margaret C.
Box 266B Hickory Ave.
New Windsor, N.Y. 12550

Schmitt, Carole
RD#4 Chestnut Ave.
New Windsor, N.Y. 12550



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

~~Chairman~~
~~Edsworth E. Weyant~~
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

1763

✓ Rossini, Lawrence D. & Kathleen A.
RD#4 Hickory Ave,
New Windsor, N.Y. 12550

✓ Masterson, John A. & Helen M.
Box 311 RD#4 Shore Drive
New Windsor, N.Y. 12550

✓ Rinaldi, Theresa
45 Avenue O
Brooklyn, N.Y.

✓ Palmer, Melville L. Jr. & Doris I.
RD#4 Shore Drive
New Windsor, N.Y. 12550

✓ Nestved, Gary A. & Mary
RD#4 Willow Ave.
New Windsor, N.Y. 12550

✓ Laux, Frederick T. & Florence J.
RD#4 Willow Avenue
New Windsor, N.Y. 12550

Respectfully submitted,

Paula King

✓ Vitale, Frank & theresa
79-20 68th Avenue
Middle Village, N.Y. 11379

PAULA KING
Sole Assessor
Town of New Windsor

✓ Tesoriere, Charles & Daryl
RD#4 Willow Avenue
New Windsor, N.Y. 12550

✓ Rinaldi, Mathew A.
Box 294 RD#4
New Windsor, N.Y. 12550 *deceased deceased*

✓ Keller, Wallace F. & Isabel
671 East 9620 South
Sandy, Utah 84070

✓ Cardinal, Thomas K. & Andrea
Box 300 RD#4 Oak Drive
New Windsor, N.Y. 12550

✓ Moran, John J. Jr. & Patricia A.
RD#4 Oak Drive Box 301
New Windsor, N.Y. 12550 *496-7997*

✓ Macari, Robert & Gabrielle
RD#4 Oak Drive
New Windsor, N.Y. 12550

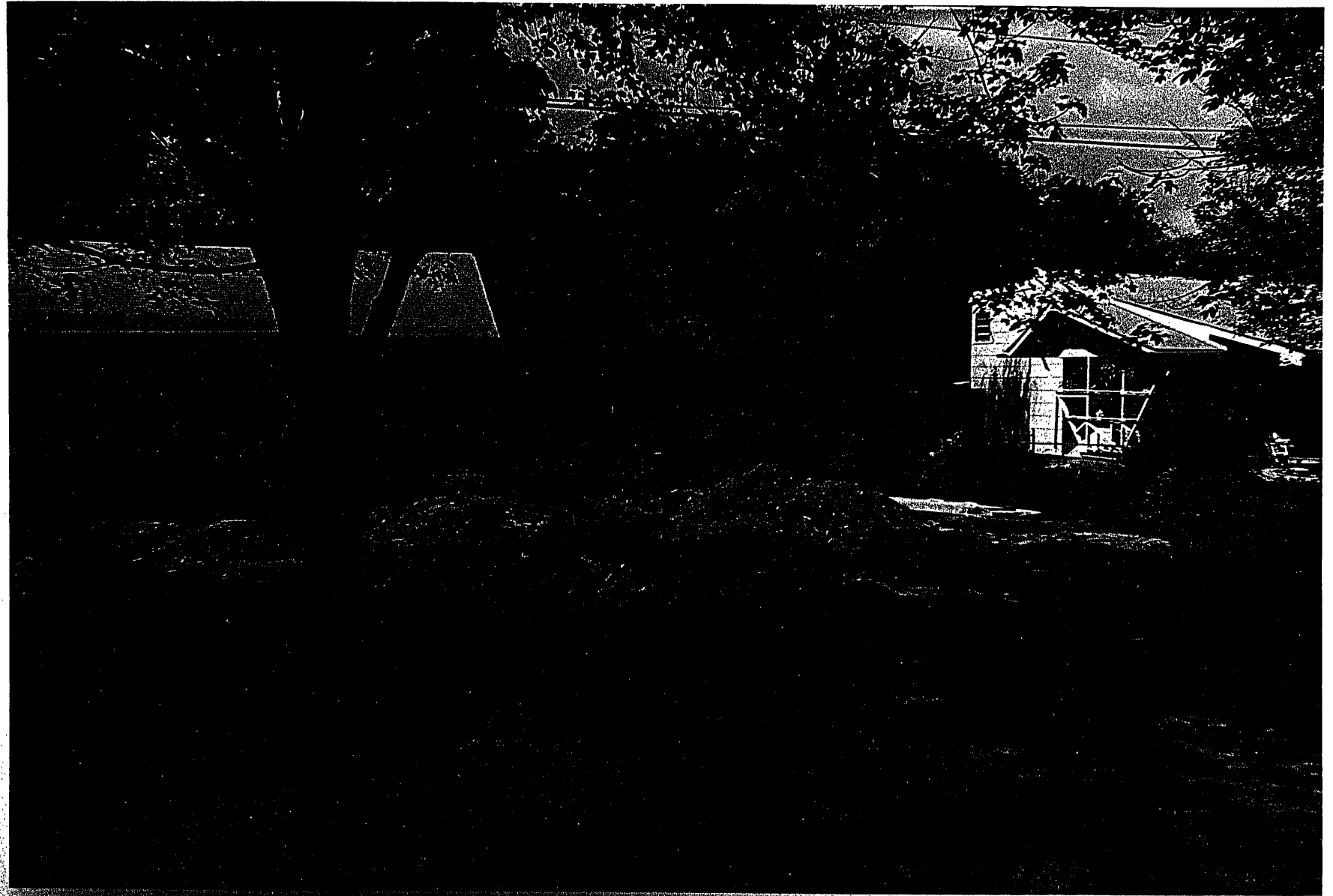
✓ Bombardi, Joseph & Columbia C.
3409 Bell Blvd.
Bayside N Y 11361

Public Hearing
 9/11/78 Dagny Lundstrom - 8:15 p.m. - Frontyard variance

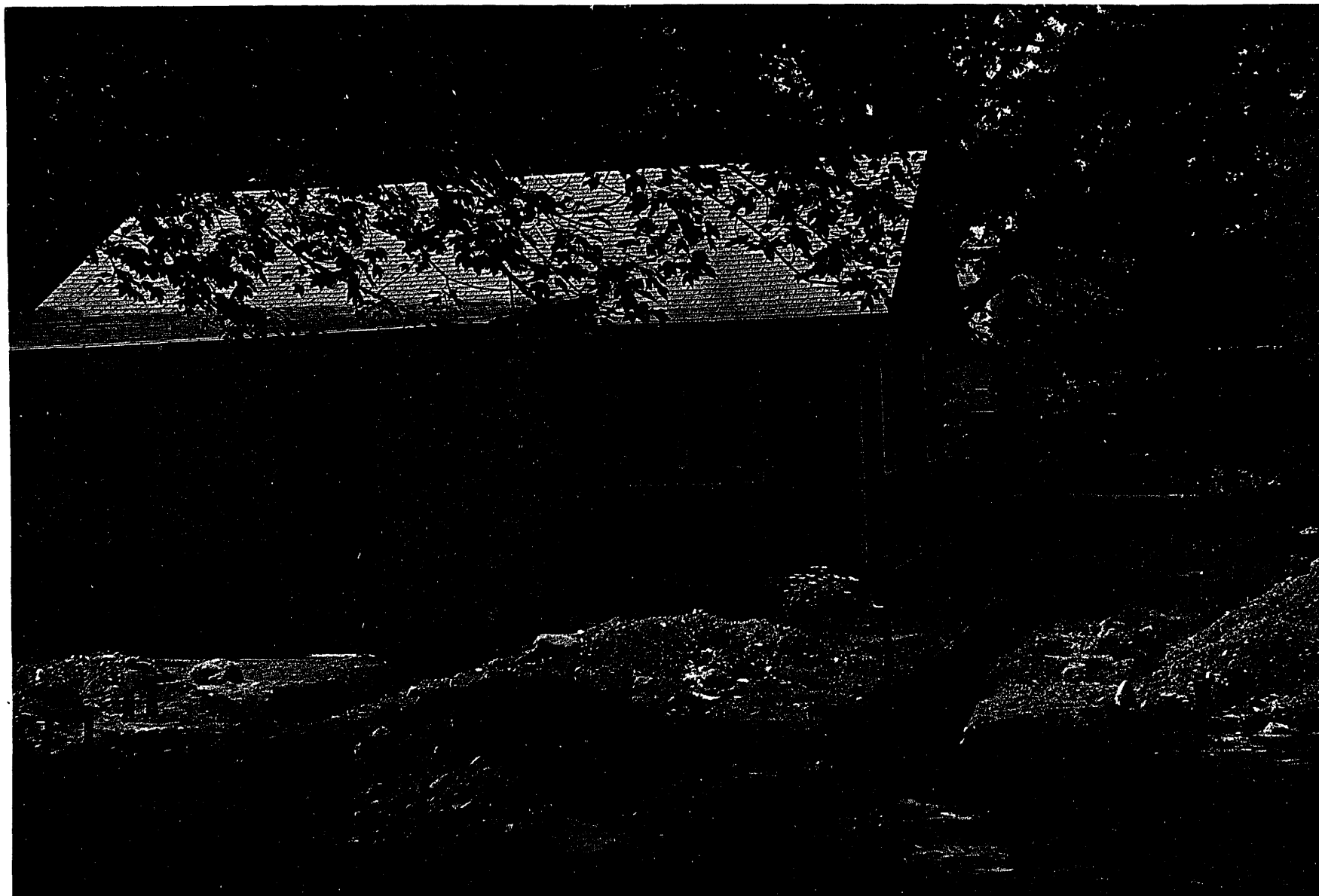
Name	Address
Dagny Lundstrom	Box 271 RD 4 New Windsor
Eric Lundstrom	271, RD #4, New Windsor
Avery Pauls	RD 4 Box 321 New Windsor
Mrs Virginia Casaccio	R. D 4 Alder Dr New Windsor
Carmela Mangioracina	R. D 4 Hickory Ave New Windsor
Columbia Lombardi	RD 4 Oak Dr New Windsor
Joseph Lombardi	RD 4 Oak Dr New Windsor
E. Martha Shilling ^{infirm.}	RD 4 Oak Dr. New Windsor
Frank Shilling	RD 4 Oak Dr. New Windsor
Cinda R. Knicker	RD 4 Oak Dr New Windsor
Gerardo Leguori	RD 4 Oak Dr Newb.
Anthony Leguori	RD #4 Box 283 Oak Dr. Nbg.
Lawrence D. Rossi	268-E RD #4, Hickory Ave, New Windsor
Kathleen Rossini	268-E RD #4, Hickory Ave, New Windsor
Jeff C Mangiaracina	181 Ash Ave, RD 4 Newburgh NY
John Westphal ^{directing}	RD #4 Hickory Ave Box 289 Newburgh
Marie Ventura	" " " " Box 270 NW
Yvonne Ventura	270 HICKORY AVE BEAVER DAM
Georg Hentzen	472 Maple ave. "
George Cuculera	350 B Shore Dr.



Photograph A : Front view of Lundstrom's house (271 Hickory Avenue), as seen from the road, showing location (batter boards and lines) and excavation for Garage



Photograph of the rear of Lindstrom's house, and location of Garage relative to
the rear of the house. Note the 2 X 4 pole marking the furthest



Photograph C : Close-up view of Lundstrom's house, location of Garage and Batter Boards and lines, which mark off the exact location of the Garage, and the 2 X 4 marking the furthest point of the Garage and Excavation.

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ANALYSIS OF ALTERNATIVE SITE PLANS

Alternative A : This plan was rejected because it would locate the Garage next to the Bedrooms, and require that either;

- . The entrance into the House from the Garage would be through the Bedrooms -or-
- . We would have to build the Entrance Corridor in front of the Front Bedroom. This would close off all the windows in the Front Bedroom and render it unusable.

Alternative B : This plan is similar to alternative A, except that the Garage is brought forward of the existing building line.

This plan was rejected because it would also require that either;

- . the entrance into the House from the Garage would be through the Bedroom -or-
- . We would have to build the Entrance Corridor in front of the Front Bedroom. This would close off all the windows in the Front Bedroom and render it unusable.

Alternative C : This plan was rejected because in order to allow a car to get into this Garage, the driveway would have to extend approximately 6 to 8 Feet onto our neighbors property.

Alternative D : was the only feasible plan and was therefore the plan which was selected.

Rec'd. ZBA -
9/11/78 - Pd.

KOPALD & KOPALD
ATTORNEYS
298 MAIN STREET
HIGHLAND FALLS, NEW YORK 10928

ABRAHAM KOPALD
JONATHAN R. KOPALD
NED KOPALD

(914) 446-4764

KOPALD & HAFT
1928-1974

September 6, 1978

Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12250

Re: Application for variance for Special
Permit #78-24 submitted by Mrs. Dagny
Lundstrom
Our file: 10539

Gentlemen:

We have been attorneys for Mrs. Dagny Lundstrom and her son Eric Lundstrom and have been requested to appear on their behalf at your Board meeting to be held on the night of September 11, 1978. A prior appointment involving others makes it impossible for us to be personally present at that hearing. We trust, therefore, that we may submit our views on behalf of our client so that they may have your consideration at the time of the hearing.

It is respectfully submitted that the objection of Mr. Vincenzo Ventiera contained in his letter of August 28, 1978, to the Building Inspector, considered in the light of the facts therein related is not based upon substantial grounds. He was aware of the plan to build the garage in its proposed location in time to have acted before their expenses were incurred. In good conscience and fair dealing, his objection was made after the happening of events of which he was or should have been aware and, therefore, his lack of prompt action has created a serious hardship for Mrs. Lundstrom, while the issuance of the permit and the granting of the variance prayed for will not adversely affect him at all.

For a considerable time before August 26, 1978 the date the footings for the garage was excavated, the building permit card issued on August 11th by the Town of New Windsor Building Inspector was placed in a conspicuous place on the front door of the Lundstrom residence where it was clearly visable from the street.

For a considerable time before the excavation for the garage footings was accomplished Mr. Ventiera was well aware of where the garage was to be constructed because the batter boards and lines marking the exact location of the footings were clearly visable and the proposed garage location were clearly marked.

It would, therefore, appear that Mr. Ventiera and/or his wife had ample opportunity to question the issuance of the permit that was granted on August 11, 1978, before such objection was expressed by Mr. Ventiera's letter of August 28, 1978, after the

excavation for the footings pursuant to the permit was accomplished.

The propose garage constuction will not adversely affect Mr. Ventiera. The site of the proposed garage is approximately 31 feet from the side Ventiera line. At least ten (10) feet of the rear portion of the garage is no closer to the road than the front of the Lundstrom residence which has existed for many years and pre-dated the enactment of the Zoning Ordinance. The closely planted evergreens which Mr. Ventiera maintains on his property creates as much of an impediment if any, to view as the proposed garage would create. That situation has existed for a considerable number of years, and the location of the tall closely planted evergreens is within ten (10) feet of the edge of the road and substantially closer to the edge of the road than the front of our client's proposed garage would be. It may be, therefore, that these closely planted evergreens of Mr. Ventiera's constitute a violation of the New Windsor Code possibly Article V-48-14 paragraph C. However, Mrs. Lundstrom has no objections to the location of Mr. Ventiera's tall closely planted evergreens.

It is submitted that the province of your Board is to do substantial justice to the citizens affected. It is respectfully submitted that such action should not permit strict adherence to the letter of a regulation which would not adversely effect an adjoining property owner, to allow such property owner to use the power of your Board to work a hardship on a neighbor and other citizen of your Township. The very purpose of the powers granted to you to grant variances such as that applied for is to do justice without blind adherence to the letter of a regulation where no substantial damage is done to the adjoining property owner. That, we submit, is the situation which exists here. The objectant cannot be adversely affected by your granting of the variance but the applicant, Mrs. Lundstrom, can be very substantailly adversely affected by its denial.

There may be a serious question as to whether a variance is even required in this case. Apparently the original filed map shows the street upon which the Lundstrom property has frontage is 50 feet in width. The paved portion of that street is approximately 18 feet wide. The distance between the front of the proposed garage and the edge of the paved portion of the road upon which the property fronts is 30 feet. Since the property we are talking about is in the country and not in the city, for all practical purposes, the edge of the pavement is considered the edge of the road and under that consideration, the front of the proposed Lundstrum garage would be well within the 20 foot front yard set back required by her deed and the deeds of Mr. Ventiera and all other property owners, and even well within the 25 foot set back apparently required by the Zoning Ordinance.

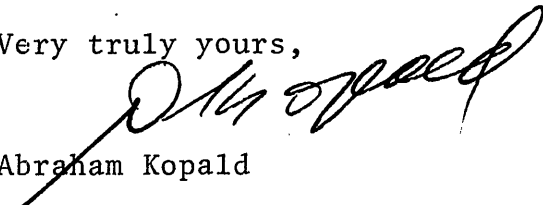
It is our understanding that other property owners in the area have constructed garages on the front portions of their properties which create situations comparable to that which we have here so that the construction of this garage is not out of character generally with other properties in the neighborhood.

Mrs. Lundstrom and her husband, are elderly people. It may be necessary for them to use their proposed garage within a couple of months during the inclement weather, which we must anticipate will soon be coming. It is, therefore, respectfully requested that prompt favorable action be taken by your Board so that the project may be completed within the limitations of the adverse weather which we must anticipate.

Mrs. Lundstrom's son will present his mother's position in addition to our views as contained in this letter. We trust that these will enable you to act favorably upon Mrs. Lundstrom's application

Thanking you for your consideration, we are,

Very truly yours,



Abraham Kopald

AK:ejm